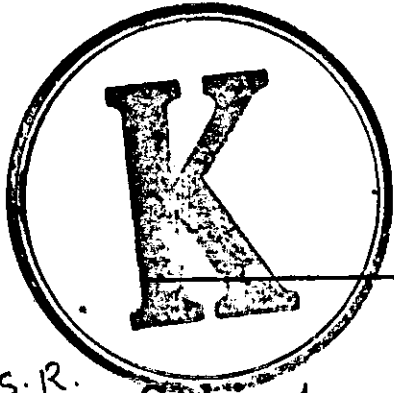


19 52

File No. Est. II Court
Asstt. /52



Legal DEPARTMENT
C BRANCH

K.S.R.
5/6

Subject:—

P-74
E

Correspondence regarding
appointment of Court Assistant
(F. C.'s office).

File No. Est. II Court Asstt. /52

Std. Sectt. Slip 24 B a.

736-6

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4E.K.N.21/5/

EC.-

m
26/5

K.S.R.
26/5

F.C.'s. Office.

Messrs. A.B. Cursetaji & Co., who were once our Clearing Contractors in the Docks have filed a suit in the High Court against Government for recovering an outstanding amount of Rs. 80,000/-. It has been decided to defend this case and the required papers have already been handed over to the Government. Solicitors for necessary further action. All preliminary work regarding the compilation of the papers and giving necessary assistance to the Solicitors for preparing the case is being done in my office.

2. In addition to the above case, a statutory notice, for another has been received from Messrs. K.B. Anklesaria & Sons who were also the Government Clearing Contractors during 1947. A self-contained note regarding this case has been prepared by my Office and it is being forwarded to the R.L.A. through the D.C.S.(A/c) for further advice in the matter. It is very likely that this case will also have to be defended.

3. In addition to these, disputes regarding the payment of the Bills are also going on between this office and Messrs. Vishwabharati Insurance Co., and the Sentinal Insurance Co., and the Sentinal Insurance Co., as this office refused to make payments of ^{as the Insurance Companies had not accepted,} these Bills, several claims from this Department.

4. A similar dispute has arisen between this office and Messrs. Lotus Lines Ltd., who were our transport contractors during the last year for the movement of foodgrains from Bombay to the Coastal

areas.....

areas.

5. The correspondence with the various above firms in connection with the disputes has to be done very cautiously and carefully to avoid legal commitments being made during the course of the correspondence. For this work, therefore, considerable legal experience is necessary. I used to take the help of the Legal Asstt. from the Office of the D.C.S.(A/cs) in drafting the contracts etc., in the past. As mentioned by me, however, this kind of work has now increased in my Office and it is, therefore, necessary to have the help of a capable and experienced ^{advocate} in dealing with such matters. Such help would be necessary during the period of the above suit (mentioned by me in Para 1) and until the disputes mentioned by me above are settled. I shall, therefore, be grateful if a suitable post is created in the Civil Supplies Dept., for giving me the above help. Most of these matters are dealt with jointly in my office and the office of the D.C.S. (a/cs) and I have no objection if the above post is sanctioned under the control of the D.C.S.(a/cs) who usually advised the Civil Supplies Department in such matters.

20-2-'58.

I.....

I strongly recommend the proposal of the Food Controller. We have, at present, half a dozen law cases in our hands, and we are finding the work unmanageable, mainly for want of expert knowledge. My Legal Assistant, of course, is useful in a small way, but he cannot be expected to take that amount of initiative and responsibility which is expected of a Senior Advocate, especially since he has not practised in the Courts here. Most of the legal work connected with the CSD (including references from the Districts) at present passes through me, but I am finding it more and more difficult to tackle it satisfactorily. I am afraid things have reached a stage at which this work will have to be dealt with by a technical expert. It would be worthwhile, employing a senior man, as, thereby, we would not have to lose the cases or pay heavy damages, etc, to the opposite parties. The legal expert may be attached to the office of the Food Controller, and may be asked to deal direct with the Legal Department and with the District Officers.

E.K.E.21/5/

20-2-52.

4C.

E.O.'s Office.

The above question was discussed with the R.L.A. by the S.O., the D.C.S. (Accounts) and myself this morning. We explained to the R.L.A. that the P.C. and the D.C.S.(A/cs) had to spend a considerable time in looking after the progress of the cases that are filed in the Court and also in preparing cases where statutory notices have been served by some of the parties. It is extremely difficult for those officers to look after this work in addition to their other duties. This Department therefore, thought that it would be desirable to place at the disposal of those Officers the assistance of a suitable Officer, who would look after such cases and keep in constant touch with the Legal Department and the Solicitors to Government. The Officer would also be expected to attend the Court whenever necessary.

2. The R.L.A. thought that it was not necessary to appoint a Gazetted Officer for this purpose; but it would serve the purpose if a suitable Senior Asst. (with legal qualifications) is appointed for this purpose. He suggested the name of Mrs. Benjamin who was working in his Office and he also agreed to spare her services, if necessary. The R.L.A. further stated that the Asst. selected for this work should consult Mrs. Potnis from his Office, whenever any advice was required regarding legal matters. After some discussion, it was decided to give a trial to the above arrangement and to appoint Mrs. Benjamin as the "Court Assistant". It would now be necessary to create the post of a 'Court Assistant' (of the status of the Senior Assistant.) for appointing

Mrs.....

Mrs. Benjamin on the post.

Mrs. Benjamin will have to put in hard work which will also involve more responsibility (as compared to the responsibility usually shouldered by the Senior Assistants). It is, therefore, suggested that a special pay of Rs.25/- per month may be sanctioned for her. In the normal course, my Office as well as the Collectors in the Districts send references about legal cases, for approval, to the D.C.S.(Accounts) before further action is taken. It will, therefore, be desirable to attach this post to the Office of the D.C.S. (Accounts). The duties of this court Asst. would be as under:-

(i) To collect the papers from the various sources and to prepare the cases for the Solicitors according to the advice of the DCS (A/cs), F.G. and the Legal Department.

(ii) To keep in touch with the Government Solicitors from time to time and give them the necessary information and papers, as and when required.

(iii) To attend the Court for watching the progress of the cases, whenever such cases come up for hearing in Bombay.

(iv) Occasionally there are cases where parties threaten this Department, with legal suits, even before the actual statutory notice is given. In such cases, this Office has to be particularly careful in exchanging correspondence with such parties. In such cases, suitable drafts will have to be put by the above Assistant.

3. The total annual expenditure on account of the creation of this post would be Rs.3,540/- I shall be obliged if the above expenditure is sanctioned very early.

19-7-1950.

Sd/-

R.L.A. may kindly see and state whether he agrees with these proposals. P.D. will be consulted later.

Sd/- 3/8

B. L. A.

This ^{case} was discussed with section C.S.D. and it was agreed that Mrs. Benjamin should be given a special pay of Rs.50/- and may be attached to the office of the D.C.S. for administrative convenience though she will continue to be ^{former borne} ~~as~~ as a member of the G Branch in L.D. She will serve as a Senior assistant with L.D. for all ^{Suits} ~~sections~~ of the Department and in respect of all legal matters.

Matters will work in consultation with Mr. Potnis. As her ^{services} ~~seniors~~ were ^{required} ~~against~~ immediately, she has been relieved.

A | A substitute in her place to be given by the C.S.D.

Sd/- P.M.Lad.

Mrs. Potnis. Section C.S.D.

13/9

Reference 'A', Shri Bindra from the Rationing Office has already joined on the 2nd September '50 is the date on which Shrimati Benjamin was relieved. Shri Bindra would be SA and his pay will be drawn in L.D. vice Shrimati Benjamin. C.S.D. will have to create a post for Shrimati B. as SA with special pay.....

E.K.N.21/5/-

pay of Rs.50 which should be ^{borne} ~~formed~~ on the L.D. establishment and would be part of ADCS(1)'s establishment. These orders may be passed immediately otherwise Shrimati Benjamin would not be able to draw her pay in time next month.

Sd/- S.R.P.

^{20/9}
Section C.S.D.

F.D. may be requested to sanction the post of SA with special pay of Rs.50 p.m. in the L.D. for the C.S.D. work. The ^{expenditure} ~~express~~ will be debited to the L.D. budget. The post should be sanctioned up to 28/2/51.

Sd/- 20/9/50

Finance Department (S).

Please see the note of P.C. dated 24-7-50 and the note of R.L.A. dated 13-9-50.

2. It will be seen therefrom that Shrimati Benjamine from L.D., has taken over the charge of C.S.D. work, from 2-9-50. From the same date a substitute (Shri Bindra) from C. of R. has been transferred to L.D. to replace Shrimati Benjamine. Shri B. has to attend to legal work as described by P.C. in his note dated 24-7-50. P.D. may therefore agree to sanction a post of a "Court Asst" in the Scale of Sr. Asst. for her upto 28-2-51. The post will be borne in L.D.

Estt.

While the R.L.A. has recommended a spl. pay of Rs. 50. 3. As re. sp. pay, the P.C. had proposed Rs. 25.

p.m. for Smt. B. The sp. pay is to be given only when there is specific addition of duties or arduous nature of work. As the substitute is appointed, Smt. B. cannot be deemed to have any addl. duties. Since she would be doing the legal work of C.S.D. only, the work cannot be considered arduous merely because it related to other Department. Exactly same work is done by other members of Legal Department, in the usual scales without any sp. pay. The sp. pay is therefore not justified in the present case.

4. As a post is being created in L.D., it should be possible for P.C. to reduce one corresponding post from line establishment doing the same work. This may be considered after issue of orders in the above case.

As regards special being ^{Pay} requested the C.S. department may be reported to state how the work of this ^{from} Mrs. B. differs ^{by} from that done ^{by} other S.A's in Ld.

CSD.

The L.D. may see. the F.D. notes overleaf and clarify that position.

Id/- 29/9/50

L.D.

In the Legal Department the noting hands even in the Legislative Branch do no court work, in the sense of attending Court. Keeping a watch on the ^{Board,} ~~Board,~~ getting papers ready etc., L.D. has delegated that work to the solicitors - Little & Co. Court work involves additional duties and means frequent movements, and Transport. It is on that basis of special work that the special pay was proposed, as otherwise no notinghand will be induced to do this work.

Sd/-P.M.Lad.

29/9

Secy.CSD.

Secy.F.D.

This is a ^{case} ~~case~~ where clearly a special pay is necessary. ^{Mrs. Benjamin} This pay even will not merely be a noting ~~man~~ hand but will have to function as Court Assistant and have to make frequent trips to the High Court, and Solicitors. F.D. may please agree to the proposal.

Id/-

29/9.

Secy. F. D. Id.

29/9.

Sanction for the post of
a Legal Assistant.

GOVERNMENT OF BOMBAY.
Civil Supplies Department.
Resolution No. S-1/Estt.
Bombay Castle, 4th October 1950.

RESOLUTION

In order to cope with the legal work arising out of suits filed against or by Govt. in Civil Supplies matters Govt. is pleased to sanction a post of Court Assistant on the establishment of ^{the} Legal Department in the scale of Rs.210-15-300 with a special pay of Rs.60/- per month, with effect from 1st September 1950. The post is sanctioned upto 28th February 1951, in the first instance. The Assistant should work under the P.C. in the C.S.D. for administrative convenience.

2. The charge should be debited to the budget head "25-General Administration-D-Secretariat and Headquarters Establishment, K-Civil-Secretariat-K-7-Legal Department". The source for the additional expenditure, if any, should be pointed out in due course.

By order of the Governor of Bombay,

sd/-

Deputy Secretary to Government,
Civil Supplies Department, Bombay.

To
The A.G., Bombay, (through the P.D.).
The F.D.,
The L.D.,
The D.C.S. (Accounts).
The P.O.

E.K.N.21/5/

Sanction for the post of
a Legal Assistant.

GOVERNMENT OF BOMBAY,
Civil Supplies Department,
Resolution No.S-1/Estt.,
Bombay Castle, 4th October 1950.

RESOLUTION:-

In order to cope with the legal work arising out of suits filed against or by Government in Civil Supplies matters Government is pleased to sanction a post of Court Assistant on the establishment of the Legal Department in the scale of Rs.210.15.300 with a special pay of Rs-50/- per month, with effect from 1st September 1950. The post is sanctioned upto 20th February 1951, in the first instance. The Assistant should ^{work} ~~work~~ under the Food Controller in the Civil Supplies Department for administrative convenience.

2. The charge should be debited to the budget head "25-General Administration-G-Secretariat and Head-Quarters Establishment, K-Civil-Secretariat-K.7-Legal Department." The source for the additional expenditure, if any, should be pointed out in due course.

By order of the Governor of Bombay.

Sd/-

Deputy Secretary to Government,
Civil Supplies Department, Bombay.

To

The Accountant General, Bombay, (through the P.D.)
The Finance Department.
The Legal Department.
The Director of Civil Supplies (Accounts), Bombay.
The Food Controller, Bombay.

E.K.N.81/5/

4C-

CSD/Estt.

The period of the post of Court Assistant sanctioned for the office of the D.C.S. (Accounts) will expire on 28th February 1951. Presumably the post is required to be continued further if so, the D.C.S. (Accounts) may put the proposal for the concurrence of the L.D.

D.S.(S).

Id. 22/2/51

U.O.R. to D.C.S. (Accounts) dated 23-2-51.

Sd/-

We have no Court Asst. 9

Id. 23/2

These papers may be forwarded to P.C. for necessary action.

Sd/-

We have already suggested to the L.D. continuance of the post for three months. I was told by the F.C. (Shri. Deshpande) that my proposal was forwarded to the L.D. by him (after discussing the case with the Sa) as Shri Benjamin is borne on the L.D. Establishment.

It is understood that the case is at present in the L.D.

These papers may be returned to the C.S.D. after keeping a note. (It is presumed that the papers will be referred by the P.D. to the C.S.D. for the issue of the GR. as in the previous occasion).

Sd/-

313

U.O.R. to C.S.D.

L.K.N.21/5/

CSO/SEK.

The proposal re; continuance of the post of
Court Assistant for three months u.e.f. 1st March 61
may be recommended to the F.D. through L.D.

We are going to get the papers from F.D. (Vide A above).
Please await,

Ed/-

8/3/61.

The period of the C.A. allotted to P.C. for work (to be born on the Eatt. of Legal Deptt.) expires on 28th Feb.1951 and it seems necessary to continue the post further at least for a period of 3 months upto the end of May 1951 for the following reasons:-

1. Only one out of the two principal corresponding in the High Court has been decided namely that of M/S A.B.Cs. and the other case viz of Shri ^{Anklesaria} Auhlesasu is being worked only last week ^{we} received a reply from the plaintiff to the written statement recorded by us and we have to examine their reply and give a counter-reply in detail and also to prepared the case in detail item by item for the benefit of the Solicitors. The work has been allotted to the C.A. who has been given the assistance of an Asatt. of 'A' Br. In addition to these principal cases there is a case of Mirji Govindji regarding the rent payable which is pending in the small causes court and to which C.A. is attending.

2. There are half a dozen other cases relating to the fixation of rent under the Rent Act on objection of the persons occupying the quarters unauthorisedly and these are also being dealt with by the CA. as any steps taken in the matter must be based on legal consideration.

3. In addition to these we have still to finalise the draft contracts which are being scrutinised by her in consultation with the Asst. Secy. Legal Deptt., the principles of which are,

(a) the contract with the grain

cleaners.....

Cleaners for the machinery installed at our godowns for cleaning and processing of foodgrains.

(b) Two contracts with the Millers for cleaning and processing of Khadwan?

(c) Two contracts with other millers for cleaning and processing of other mill foodgrains.

There is also a case of the deposit of M/S Bombay Rice Mills., and the question of payment for 60 bags of Barley for which there is a dispute or doubt as regards the authenticity of the stock and stock declaration made by the miller.

In the circumstances explained, we may request the Legal Department to continue the loan of the services of the C.A. to this office at least for a period of 3 months. The attached G.R. may issue after it is seen by S.C. ^{L.D.} and F.D. *Id wh*

Another important case is of Adamji Trading Co., from whom requisitioned german bales.

L.D.

This is relating to the continuance of Mrs. Benjamine as Court Assistant from 1-3-51 to 31-8-51. The case may perhaps ^{be} seen and passed on to F.D.

Id. DRP. wh

S-S. J.D. wh

A-D. C.S. Id SRP. wh

A.S. Id E.P.B. wh

Adell Secy. Id J.R.D. 15/2

U.R. to F.D. No.2865 dated 15/2/51.

P.D. 'B'.

The C.S.D. proposal, as approved by the L.D. to continue the post of C.A. for a further ~~for~~ period of three months in e.f. 1.3.51, may be agreed to. It is presumed that copies of the draft orders will be addressed as was done the last occasion.

sd/- 8/3

U.O.R. to C.S.D. dated 2-3-51.

Estt.
C.S.D.

It is presumed that the necessary budget provision is made by the L.D. If not, the source will have to be indicated by that Department, in due course.

2. The L.D. may see and submit these papers for the approval of H.M.C.D.

L.D. with reference to A above.

U.O.R. to L.D. with papers.

L.D.

Presumption made in para 1 above is correct.

U.S. to C.S.D. No.4444 dated 19-3-51.

E.K.N. 21/5/

No.S-1/Estt.
Civil Supplies Department,
Bombay Castle, 22nd March 1951.

MEMO.

Subject:- Sanction for the post
of Legal Assistant.

The undersigned presents compliments to the Accountant General, Bombay, and with reference to G.R., C.S.D., No.S.1/Estt. dated 4th October 1950, is directed to convey the sanction of Government to the continuance of the post of Court Assistant on the establishment of the Legal Department in the scale of Rs.210-15-300 plus a special pay of Rs.50/- per month from 1st March 1951 ^{to} 31st May 1951. The Assistant should continue to work under the Food Controller in the C.S.D. for administrative convenience.

2. The charge should be debited to the budget head "25-General Administration-C.Secretariat and Head-Quarters Establishment, K-Civil-Secretariat-Kr 7.Legal Department".

The necessary provision has been made in the Budget Estimate for year 1951-52.

By order of the Governor of Bombay,

(S.M.Hogre.)

Deputy Secretary to Government,
Civil Supplies Department, Bombay.

To A.G., Bombay, (through the P.D.).

Copies to:-

The F.O.
The L.D.
The D.C.S. (Accounts).
The P.C., Bombay,

E.K.N. 21/5/

No.S.-1/Estt.,
Civil Supplies Department,
Bombay Castle, 24th March 1951.

Memorandum.

Subject:- Sanction for the post of
a Legal Assistant.

The undersigned presents compliments to the Accountant General, Bombay, and with reference to Government Resolution Civil Supplies Department No.S-1/Estt., dated the 4th October 1950, is directed to convey the sanction of Government to the continuance of the post of Court Assistant on the establishment of the Legal Department in the scale of Rs.210-15-300 plus a special pay of Rs.50/- per month from 1st March 1951 to 31st May 1951. The Assistant should continue to work under the Food Controller in the Civil Supplies Department for administrative convenience.

2. The charge should be debited to the budget head "25-General Administration-C. Secretariat and Headquarters Establishment, K-Civil Secretariat ~~K-7~~ Legal Department." The necessary provision has been made in the Budget Estimate for year 1951-52.

By order of the Governor of Bombay,

Sd/-

Deputy Secretary to Government,
Civil Supplies Department, Bombay.

To

. The Accountant General, Bombay (through Finance Dept.)

Copies to:-

The Finance Department
The Legal Department
The Director of Civil Supplies (Accounts)
The Food Controller, Bombay.

E.K.N.22/5/-

G.S.D./Estt.

The draft GR. put up at page 8 ante may be approved.

Sd/-

Estt.
Q.S.D.

These papers may be passed on to the P.C. with a request to take timely action to review the sanction if necessary.

Sd/- 27/3/51
D.S.

Submitted.

F.C. 2. It is not known whether CSD. has sent all these papers through oversight or deliberately to office. In any case since the papers have been sent to us, we may retain them. 'A' is, however, noted.

A.O.(G).

Dy.P.C.(S) Sd/-

V.S.

10/4

E.K.N.22/5/

F. C.'s Office.

Submitted with reference to the C.S.D.'s note of 27-3-'51 at p. 31 ante.

2. Orders one solicited as whether the post of Court Assistant Sanctioned the Government vide G.R.CSD., No.S-6/ dated the 4th October 1950 read with G.M., CSD., even number dated the 28th March 1951 should or should not be continue beyon 31st May 1951.

Sd/- 12/5/51 A list of the plainly Cases is put up below from Aa^C Br. D.Br. may examined.

Dy.F.C.(S) A.F.G(N) may see first.

Sd/- 18/5

A.F.G(N)

U.S. . . . One case against Khan Bahadur Anklesaria has still not been settle we are liked to enter Jt.F.C. into litigation with M/S.Viswabharati Ins.Co., F.C. and also with Lotus Line Ltd., It would be desirable therefore, if the post of CA is extend for a further period of three months.

Sd/- 22/5

Please call for report of cases with Benjamin and then consolidate the position .

E.K.N.22/5/

4C.

Sd/-

22/5

F.C's Office/B.Br.

Submitted.

The list of cases pending with the Court Asstt. may please be seen. In addition to this there are the following two other cases still pending.

1. Rejection of the ex-Godown-Keepers from the Pathanwalla Bldg., and Lallaimalla Bldg., and recover, of arrears of rent from them.

2. Allotment of accommodation to the Godown Labour.

Apart from all these pending cases we are likely to enter into litigation with M/S. Vishwabharati Insurance Co. and also with Lotus Line Ltd. It will, therefore, be absolutely necessary that the post of Court Asstt. which expires from 1st June 1951 should be further continued for a period of ~~three~~ three months more-up to the end of Aug. 1951. If approved these papers may be referred to K.D. & F.D. through C.S.D. for the same.

This case may be treated as very urgent as the current sanction of the post expires from 1st June 1951.

Sd/-

P.29.

Please see the orders issued in Govt. Memo. C.S.D. No. S-14 Estt. Dt. 24th March 1951. Sanction has been accorded to the continuance of Court Asstt. in the Estt. of the Legal Dept. on the scale mentioned for the period from 1st March 1951 to 31st May 1951. The question now is whether we should continue the temporary post of Court Asstt. for further period and, if so, for what period. Looking to the volume of work in the various Bns. and pending with the Court Asstt. I would recommend that the post may be continued for a further period of 3 months ending Aug. 1951.

Fc. Id.

Sd/-

23-5-51.

U.O.R to the L.D. & F.D. through the C.S.D. with loose pps. and latter 10.

C.S.D./Estt.

Recommended to the P.D.

Sd/-

U.O.R. to P.D. dated 29-5-51

Finance Department Br.IX.

In the circumstances stated by the P.O.'s offi note dated 23-5-51, the proposal of the C.S.D. may be accepted.

2. It is presumed that the expenditure can be met within the sanctioned grants only. The presumption may be confirmed before issue of orders. The C.S.D.'s attention may be invited to the Schedule attached to this Dept. O.C.M.No.8202/33-V dated the 25th May, 1951 according to which the para about expenditure is to be drafted.

Sd/-

W.O.R. to C.S.D.(Estt) dated 1/6/51-

CSD/Estt.

This may be forwarded to the L.D. with a request to the state whether necessary provision has been made in the current years budget for continuance of the post of Court Assistant upto 31-8-51.

Id/-

6/6

U.O.R. to L.D. dated 7-8-51.

H.K.N.82/8/

Legal Department.

Necessary provisions has been made in the current years budget of L.D. to meet the proposed expenditure.

Sd/-

A.S.

U.R. to CSD No. 9176 dated 11/6/51.

C.S.D./Estt.

The accompanying orders may issued after UOR.
to the P.D.

Sd/-

U.O.R. to P.D dated 13/6/51.

(Pl. see P.D. note orders) Finance Dept.(IX)

The order proposed by C.S.D. may be agreed to:-

U.O.R. to C.S.D. dated 15/6/51.

No.S-1/Estt.,
Civil Supplies Department,
Bombay Castle, 25th June 1951.

MEMORANDUM:-

Subject:- Sanction for the post of
a Legal Assistant.

The u.s.p.c. to the Accountant General, Bombay and with reference to the G.R., C.S.D., No.S-1/Estt. dated 4th October 1950, is directed to convey the sanction of Govt. to the continuance of the post of Court Asstt. on the Estt., of the Legal Department in the scale of Rs.210-15-300 plus a special pay of Rs50/- per month from 1st June 1951 to 31st August 1951. The Assistant should continue to work under the F.C. in the C.S.D. for administrative convenience.

2. The charge should be debited to the budget head "25-General Administration-C-Secretariat and Head Quarters, Estt., K-Civil-Secretariat-K-7-Legal Department" and should be met from the provision made thereunder in the current year's budget:

By order of the Governor of Bombay,

Sd/-

22/6/51

Deputy Secretary to Government,
Civil Supplies Department, Bombay.

The Accountant General, Bombay (through P.D.),

Copies to:-

The F.D.,
The L.D.,
The D.C.S., (Accounts),
The P.C.

Sd/-

S.K.N.22/5/

The period of the post of the Court Asst. working in the office of the FC expires on 31st August 51.

The Court Asstt. has, on hand, at present 3 court cases, one of which, viz., Civil Suit No.456 of 1950 filed by M/s.Anklesaria & Sons, is pending for a long time and is not likely to be finished for a couple of months at least because the hearing of the case has not actually started. Notes have been put ^{up} by the Court Asstt. after consultation with the Legal Department on merits of the case and an affidavit, statements and counter statements have been filed in the Court. We do not precisely know what will be further developments in the case and whether it would be necessary to compromise the case at all. The other case is that of M/s.Admajee Trading Co., in respect of acquisition of gunnies. This case also has not come up for hearing. The other two cases are regarding fixation of rent. The first of these, namely Daria Mahal godown case, is to come up for hearing in the High Court. The second one has been postponed from time to time in the Small Causes Court. The date now fixed for hearing is 26-9-51. The Bikaner Gram case is a kind of test case for payment of certain charges for the gram purchased from the State Traders. The case has been sent to the DCS(A/c) for giving certain information required by the Legal Department. In respect of supplies of gram, it may be stated that though this is a test case only, we shall have to be ready with other cases of other merchants with details as regards the conditions on which the suppliers were made to us.

2. In addition to the above, the following 6 cases are likely to lead to litigation and or require the noting, etc. by the Court Asstt. and further working upon the cases would be necessary.

1. M/s.D.Abraham & Sons, -Return of Security deposit -(at present in LD).

2. N.M.Wadia Charities godown case where the L.D. is to be consulted on the point whether the rent should be got fixed by making an application to the Court under the Rent Act, 1947.

3. M/s. Vishwabharati's case.

4. Insurance Claim in respect of 2061 gunny bales lost ex.s.s. PARTHENON.

5. Eviction of Dadu Chattru & others,

6. Claims of other Bikaner merchants (Besides the one at above), for incidentals in respect of supply of gran and grandal.

3. In addition to these cases, there are the chronic cases of (1) Lotus Line Ltd. (2) Bombay Steam Navigation Co., (3) Carrimbhoy Lalji, about whom there are disputes about their liabilities to Govt. and certain payments have not been made to them finally. It is possible that these cases will probably lead to civil suits of sufficiently long duration and controversy.

4. In the circumstances, the continuation of the post of the Court Asstt. at least for 6 months in the first instance appears to be absolutely necessary. The post is borne on the establishment of Legal Department and the Court Asstt. is paid directly by that office. The expenditure on account of the continuance of the post for 6 months ending February 52 will be about Rs2430/- It is presumed that this expenditure will be met from the grants at the disposal of the L.D. If approved, the attached Memo may issue after it is seen by the LD & PD.

JG

FC

Dy.Secy.,CSD.

LD.

Legal Dept.

Necessary provision has been made in the current year's budget of L.D. to meet the proposed expenditure.

Sd/

U.O.R. to the P.D. No.13698 dated the 27th August 1951.

19 Civil Suit No.456 of 1950, Messrs. Anklesaria & Sons v.s. State of Bombay.

2) Civil Suit No.1484 of 1948, Messrs. Admajee Trading Co., v.s. the State of Bombay.

3) F.A. No.687/50 in Misc. Appln. No.288.

The state of Bombay v.s. Abdullabhai Fidalli and others. (Darya Mahal Godown fixation of rent case)

4) Two applications in the Small Causes Court, Bombay with regard to fixation of rent of godowns Nos.22 and 27 of Hirji Govindji Chawl.

5) Bikaner Gram Case - payment of incidental charges to the merchant.

In the following cases opinion has already been given but the cases are likely to go to Court.

1) M/s.D.Abraham & Sons - return of security deposit - (at present in L.D.)

2) N.H.Wadia Charities Godown case where the L.D. is to be consulted on the point whether the rent should be got fixed by making an application to the court under the Rent Act, 1947.

3) M/s. Vishwabharati's case."

4) Insurance claim in respect of 2081 gunny bales lost ex-s.s.Pantheon.

5) Eviction of Dadu Chattru and others.

6) Claims of other Bikaner merchants (beside the one at above, for incidentals in respect of supply of gram and gramdal.

E.K.N.22/5/

Finance Department.

Dr. I.K.

The proposal in para 4 of F.C.'s note at p.86 ante may be accepted.

2. Indemnity, after issue of orders, C.S.D. may be requested to state what action has been taken on para 4 of this on dated 22/9/50 at p.11 ante.

Sd/-

U.O.R. to C.S.D. dated 17/9/51.

C.S.D./Estt.

The draft G.R. put up herewith may be approved.

Sd/-

J.S.

H.M.C.S.

Please to discuss.

Ed.

Sec.L.D.

Discussed. I agree.

Sd/-

U.O.R. to F.C. dated 10/10/51.

No.S-1/Estt.
Civil Supplies Department,
Bombay Castle, 4th Oct.1951.

MEMO:

Subject: Court Asst-
Continuance of the post of -

The u.s.p.o. to the AG, Bombay, and with reference to the correspondence ending with Govt. memo., CSD No.S-1/Estt. dated 25th June 1951 on the above subject, is directed to convey the sanction of Govt. to the continuance of the post of the Court Asstt. on the establishment of the LD in the scale of Rs. 210-15-300 with a sp.pay of Rs. 50/- p.m. from 1st September 1951 to 29th Feb. '52.

2. The charge should be debited to the budget head "25-General Administration-C-Secretariat and Head Quarters Estt., K. Civil-Secretariat-K-7-Legal Department" and should be met from the provision made thereunder in the current year's budget.

3. The Court Asstt. should continue to work under the FC in the CSD for administrative convenience.

By order of the Governor of Bombay.

Sd/-

4/10/51

Deputy Secretary to Government, C.S.D.
Bombay.

To

The AG, Bombay (through FD),

Copies to:*

The P.D.
The L.D.
The DCS(Accts),
The FC.

E.K.N.22/8/

Ho.S-1/Estt.
Civil Supplies Department.
Bombay Castle, 4th October 1951.

MEMORANDUM:

Subject:- Court Assistant.
Continuance of the post

The undersigned presents compliments to the Accountant General, Bombay, and with reference to the correspondence ending with Government Memorandum, Civil Supplies Department No-S-1/Estt., dated the 25th June 1951 on the above subject, is directed to convey the sanction of Government to the continuance of the post of the Court Assistant on the establishment of the Legal Department in the scale of Rs.210-15-300 with a special pay of Rs.50/- per month from 1st September 1951 to 29th February 1952.

2. The charge should be debited to the budget head "25-General Administration - C - Secretariat and Headquarters Establishment K-Civil Secretariat K-7 Legal Department and should be met from the provision made thereunder in the current year's budget.

3. The Court Assistant should continue to work under the Food Controller in the Civil Supplies Department for administrative convenience.

By order of the Governor of
Bombay.

Sd/-

Deputy Secretary to Government.
Civil Supplies Department Bombay.

The Accountant General Bombay.
(through Finance Department).

Copies to:-

The Finance Department
The Legal Department
The Director of Civil Supplies (Accounts)
The Food Controller.

B.K.N.22/5/

Court Asstt.
Continuance of the post of -

The period of the post of the Court Asstt. sanctioned in Govt. Resolution, CSD, No.3/I/Estt. dated 4th October 1950 and continued upto date, expires today.

2. The post was created mainly for dealing with -
- (a) Cases pending in the High Court and other Courts,
 - (b) Cases which are or were likely to lead to litigation as a result of the notices of the suits, etc., served on Govt. or Govt, intending to file suits against the Contractors and others for lapses on their part,
 - (c) Scrutiny of draft agreements and other documents involving legal consideration.

3. One of the aboveimportant suits has since been disposed of (viz. that of M/s.ABC & Co.) There are, however, 7 cases still pending in the courts (for details, please see attached statement marked I).

In addition to these 7 cases, the Court, Asstt. has 6 other cases (shown statement II) on hand, which are being examined and nothing on them is in progress.

4. Referring to the cases specified in statement I, that is, the cases actually in the court (or, to be in court shortly), the case at Cr.No.1, Kasars, Adanji Trading Co., v/s the State of Bombay, some hearing has already taken place and the opposite party has asked for the disclosure of certain documents. The case is likely to be on the board any day.

Sr.No.2 M/s.Amklesaria & Son, V/S, the State of Bombay this case is also active, being in the Court where some hearings have taken place and documents have been produced and inspection of the same is to be taken. M/s.Little & Co., Solicitors to Govt., have asked the PC to depute the Court Asstt. to their office to examine the documents. The last day for the examination of the documents is 11.4.52.

The other active cases are also those at Sr.No.6 and 7, being suits filed by the State of Bombay

against M/s. Abdulbhai Fidauli and others and M/s. Hirji Govindji & Co.

In the remaining two cases, suits are to be filed in the High Court.

5. The number of important cases mentioned in statement No. I. are even. But in all these cases a very large number of documents and papers are to be examined, arranged and supplied to the Solicitors.

6. It will thus be seen that for the work mentioned in statement No. I and II, this Department would need the help of a suitable assistant with experience about preparing suit cases and also about drafting agreements, etc.

7. The post of the Court Asstt. was so far borne on the Legal Department establishment. The court Asstt. was a person from amongst the staff working with the RLA. The period of this post, however, has terminated on 29-2-52. We, however find that it would not be possible for the Legal Department to spare any Senior Assistant from their existing staff, to do the work which involves attendance in Courts and giving instructions to M/s. Little & Co. It would, therefore, be necessary to approach Govt, to sanction the post of a Court Asstt. in the

Legal Department. We, therefore, request Govt. to sanction the post of a Court Asstt. in the Legal Department.

The Assistant ~~will be required~~ ^{will be required} would work in the Legal Department under the supervision of the Asst. Secy. (Opinion). This Asstt. will mainly deal with cases involving court work from this office, but would also be utilized by Legal Department for other cases if he is occasionally free for such work. On the basis of the review of the present work, the assistance of the above Court. Asstt. would be required for six months. We may, therefore, request Govt. to sanction the post of a Court Asstt. in the Legal Department for six months.

FO

Secy., CSD & SO.

Secy. LD.

FD.

Ed 27/4/52

STATEMENT NO. 1. COURT CASES.

22.

NAME OF PARTIES:	SUBJECT	REMARKS
1. Adnaji Trading Co., Versus State	Suit for Rs. 1,23,368-14-0 being difference between the alleged market price claimed by the party and the price paid by the Govt. for the new jute gunny bags purchased by Govt.	Active case - pending in H.Court. Final hearing will be held very shortly.
2. M/s. P.T. Anklesaria & Co., Versus State.	Suit for Rs. 71640-10-0 against Govt. for clearing charges and counterclaims by Govt for Rs. 2,04,717-0-0 against the Co., for losses incurred by Government in respect of Food grains.	Active case in the H.C. Documents produced. Inspection of documents to be taken. M/s. Little & Co., have asked the P.O. to depute Shri. Bhab to their office to examine the documents and references. Last dated 11-4-52.
3. M/s. Vishwanath Jagdishprasad of Shriganganagar. Versus State of Bombay & Rajasthan.	Suit for Rs. 1,1438-8-0 for recovery of incidental charges over and above the price paid by this Govt. to the Bikaner State in respect of grain and gram dal supplied to this Govt. through the Bikaner State.	Active case - pending in the Court of Shriganganagar. This is the best case against the Govt. Notices for similar claims have been served by several merchants of Shriganganagar on this Govt. and the suits are likely to be filed in all these cases shortly.
4. M/s. Curripbhoy Laljee Sajun Shipping Ltd.,	Govt. claim for Rs. 72125-0-0 on account of loss or damages to Govt. Foodgrains transported by the Co., by country Crafts from Bombay to various district ports.	Suit to be filed in the H.C. by the Govt. Report under the Law Officers rules is to be put up.
5. M/s. Vishwabharati Insurance Co.,	Recovery of losses and damages to Govt Foodgrains in course of transport by country crafts.	Govt. solicitors have advised filing of a suit against the Co. Case has been referred to the Advocate General through L.D. for advice as to filing the suit.
6. Appeal in the H.Court. State Versus Abdullahi Fidailli and others.	Fixation of a standard rent of Marya Nabal Godown.	Active case. Appeal pending in H.C. contd...2.

STATEMENT NO. I. COURT CASES Contd.

NAMES OF PARTIES	SUBJECT	REMARKS
7. State Versus M/s.Hirji Govindji Co.,	Application by Govt. for fixation of standard rent for godowns.	Active case-pending in the Small Cases Court. <i>Courts</i>

B.K.B.22/E/

STATEMENT NO-II. CASES FOR LEGAL ADVICE.

NAMES OF PARTIES ETC.	SUBJECT	REMARKS.
1. M/s. Fakirji Rustomji & Sons. Govt. Forwarding Contractors.	Preparation of Draft agreement of forwarding contract.	
2. M/s. Grain Cleaners Bombay Ltd.,	Dispute regarding respective liabilities of the Food Controller and the Co. under the Factories Act.	
3. Shrinati Parvati, mother of the deceased Nayayan Babu a Govt. Servant.	Claim by Smt. Parvati for the pay, allowance etc due to the deceased-question whether the mother is the legal heir in preference to the deceased's wife under Hindu law.	
4. Pathanwalla Old Requisitioned by Govt. and occupied by Govt. staff.	Whether tenants can instal Electric connections in the premises at their own cost and if so whether the landlord can insist on disconnection in case of de-requisition of the premises.	
5. Kall Preme, Stitcher employed in Govt. Factory.	Accident by a private motor truck to the stitcher while on duty. Whether compensation is payable to the stitcher by Government and whether Govt. can recover the same from the truck owner under the Workmen's Compensation Act.	
6. Madia Charity Trust.	Dispute regarding the amount of rent payable by Government for the new Parel Godowns.	

R.S.M. 22/5/

Legal Department.

Please see the C.S.D. notes at pp. 97-98 ante.

p.17 ante.

The post of Court-Assistant in the scale of Rs.210-15-300 with Special pay of Rs.50 per month was created under G.R. C.S.D., No.S-I Estt., dated 4th Oct.1950. The charge of the post was borne on L.D. establishment but for administrative purpose the Court Astt. had to work under Food Controller. The duties of this post as enumerated in the C.S.D. note underlying the above G.R., were as under:-

n-8ante.

"(i) To collect the papers from the various sources and to prepare the cases for the Solicitors according to the advice of the D.C.S.(Accounts)F-C. and the Legal Dept.

(ii) To keep in touch with the Government Solicitors from time to time and give them the necessary information and papers, as and when required.

(iii) To attend the Court for watching the progress of the cases, whenever such case come up for hearing in Bombay.

(iv) Occasionally there are cases whether parties threaten with legal suits, even before the actual statutory notice is given. In such cases, C.S.D. had to be particularly careful in exchanging correspondence with such parties. In such case, suitable drafts will have to be put up by the above Assistant."

The F.D. objected to the Special pay when the proposal first went to that Deptt. but ultimately agreed to it when the correct position as follows was pointed out by the R.L.A.:-

2 ante

"In the Legal Department the noting hands even in the litigation Branch do not court work, in the sense of attending court. Keeping a watch on the Board, in the sense of attending court. Keeping a watch on the Board, getting the papers ready etc. L.D. has delegated that work to the Solicitors-Little & Co.,. Court work involves.....

involves additional duties and means frequent movements and transport. It is on that basis of special work that the special pay was proposed, as otherwise ~~nothing~~ ~~nothing~~ ~~hand~~ will be induced to do this work."

The post was created in the first instance upto 28th February, 1951 but was extended from the time to time upto end of Feb. 1952. As the position of the work is p.39 ante practically the same the C.S.D. considers it necessary to approach Govt. to sanction the post in the Legal Department. As the former post was borne on L.D. establishment the proposal boils down to this that the post should continue to be borne on the L.D. Estt. and the court assistant should also work in L.D. under the direct supervision of this Department instead of working in FC's Office.

It is not possible for the G. Branch namely the establishment under the A.D.C.S. (Legal) to spare the services of a Senior Asstt. to do court work in addition to his present duties as ~~nothing~~ hand. Court work involves lot of moving about and spending lot of time with the Solicitors, collecting papers from various sources and assist the Solicitors in exhibiting important documents etc. For this work it would be necessary to continue the post of the Court Asstt. in L.D. if this Deptt. has to look after that part of the work. Rule 77 of the Law Officers Rules provides that When a suit is ~~under~~ trial, an officer, thoroughly conversant with the facts of the case and the practice of the department concerned therewith, should be deputed to be present to instruct the Law Officers in regard to any matters which may arise unexpectedly and to direct their attention to any documents or other evidence, that may become important, at each stage of the trial.

Such an officer to aid the Govt. Law officers in respect of the C.S.D. litigation in the High Court and other civil courts in Greater Bombay, would be necessary. P.D. will have to be approached again for continuing this post from 1-3-52 L.D. after H.M. (C.S. & L.) approves of this proposal.

The post was created at the instance of C.S.D. It was borne on the L.D. establishment; and the incumbent worked under the direct control of A.D.C.S.(Legal) in L.D. and of the R.L.A., but for administrative convenience the incumbent was attached to the office of the Food Controller. The 'G' Branch of L.D. deals exclusively with C.S.D. work. That Branch cannot of its present establishment assign a person for the court work which C.S.D. still has in view. I would, therefore, suggest that the 'G' Branch in L.D. should be strengthened by an additional temporary post for six months on the same terms as before. The incumbent may now work in L.D. and need not be attached to Food Controller's office, but he will devote his time exclusively to the court work for which he is primarily intended.

Sd/- P.H.Lad.

Finance Department.

Dr.VIII.

Presumably this is about is meant by an additional temporary post in R.L.A.'s note preceding.

We may agree to 6 months as suggested by R.L.A.

The proposal in effect means the continuance of the post of Court Asstt. created under ^{the} R.C.S.D. No. S-1/ Estt. dated 4/10/1950, and last continued upto 29/2/52, into M.C.S.D. of even^{No.} dated 4/10/51 for a further period of 6 months from 1/3/52, on the same terms as before, with the only difference that ^{the} incumbent of the past, should now work in the L.D. and not under the Food Controller in the C.S.D. The C.S.D. has given an adequate justification for the continuance of the post, in its rule dated 29/2/52. The proposal, may therefore be applied in this department, subject, however, to the remark that the post, may be continued for a further period of 3 months only.

2. Please see the office note dated 15/9/51. The C.S.D. has not offered any remarks on the point raised in para 4 of the office note dated 22/9/50 at p.11 ante. that.

that Department may be requested to do so, now urgently.

8. It is presumed, that the expenditure, during the next year, will be met from the sanctioned ~~of~~ grants which will be placed at ^{the} disposal of the L.D. order the hand "25 General Administration". The above position may be brought out clearly in the orders to be issued.

Id 13/6/52.

Sd/-

U.O.R. to the R.L.A. dated 15/3/52.

Sd/- P.H.Lad.

No.G. 4508.

Legal Department.

Bombay Castle (Bombay No.1), 25th March 1952.

Subject:- Court Assistant
Continuance of the post of-MEMORANDUM.

The undersigned presents compliments to the Accountant General, Bombay, and with reference to the correspondence ending with Government Memorandum, Civil Supplies Department No.S.1/Estt., dated the 4th October 1951, on the above subject, is directed to convey the sanction of Government to the continuance of the post of the Court Assistant on the establishment of the Legal Department in the scale of Rs.210-15-300 with special pay of Rs.50/- per month with effect from 1st March 1952 to 31st August 1952.

2. The charge should be debited to the budget head "25-General Administration-C.Secretariat and Head Quarters Establishment, K-Civil-Secretariat-K.7-Legal Department" and should be met from the provision made thereunder in the next year's budget.

By order of the Governor of Bombay,

sd/- S.W. Dhurandhar.

Assistant Secretary to Government,
Legal Department.To The Accountant General, Bombay,
(through the Finance Department).

Copy to:-

The Finance Department
The Supplies Department
The Director of Civil Supplies (Accounts),
The Food Controller, Bombay.

E.K.K. 22/5/

P.O.'s Office.Court Assistant.
Continuance of the post of

The period of the post of the Court Asstt. sanctioned in Govt. Resolution, OSD, No.3/I/Estt. dated 4th October 1950 and continued upto date, expires today.

2. The post was created mainly for dealing with -
(a) cases pending in the High Court and other Courts.

(b) Cases which are or were likely to lead to litigation as a result of the notices of the suits etc. served on Govt. or Govt. intending to file suits against the Contractors and others for lapses on their part.

(c) Scrutiny of draft agreements and other documents involving legal considerations.

3. One of the above important suits has since been disposed (viz that ABC & Co). There are, however, 7 cases still pending in the Courts (for details, please see attached statement marked I)

In addition to these 7 cases, the Court Asstt has 6 other cases (shown in statement II) in hand which are ^{being} examined and noting on these is ^{in progress} in progress.

4. Reverting to the cases specified in statement I, that is, the cases actually in the court (or to be in court shortly), the case at S.No.1., M/s. Admji Trading Co. v/s. the State of Bombay, some ~~hearing~~ ^{has already taken place} has already taken place and the opposite party hearing/has asked for the disclosure of certain documents. The case is likely to be on the board any day.

Sr.No.2, M/s. Ankelsaria & Son, V/S the state of Bombay; this case is also active, being in the court where some hearings have been taken place and documents have been produced and inspection of the

and is to be taken. M/s. Little & Co., solicitors to Govt., have asked the PG to depute the Court Asst. to their office to examine the documents. The last day for the examination of the documents is 11-4-53.

The other active cases are also those at Sr. Nos. 6 and 7, being the suits filed by the estate of Bombay against M/s. Abdulbhai Fidaali and others and M/s. Hirji Govindji & Co.

In the remaining two cases, suits are to be filed in the High Court.

5. Exam The post of the Court Asstt. was so far borne on the Legal Deptt. Establishment. The Court Asstt. was a person from amongst the staff working with the GLA. The period of the post however has terminated on 29-2-52. The number of important cases mentioned statement No. I only six. But in all these cases a very large number of documents and papers are to be examined assigned and suggested to the solicitors.

It will thus be seen that for the work mentioned in statement No. I and II, this draft would need the help of a suitable Assistant, with experience about drafting such cases and also about digest agreements etc. We have found that it would not be possible for the Legal Department to inform a suitable Senior Assistant from this existing staff. It would therefore be necessary to ~~request~~ appeal Govt. to sanction in the post of 4 sub. Assistant in L.D.. This assistant would work in L.D. under the supervision of Sec. (Opinion).

This assistant will mainly deal with cases from this office and would also be entitled by L.D. for other cases if he is ^{occasionally} ~~occasionally~~ free for such work. On the basis of the view of the present work the assistance of the above Senior Assistant would be required for six months. We may therefore request Government to sanction the post of a Senior Assistant in L.D. for 6 months.

STATEMENT II.
CASES FOR LEGAL ADVICE.

01. 9

NAMES / PARTIES ETC.	SUBJECT	REMARKS
1. M/S. Fakinji Rustomji & Sons Govt. Forwarding Contractors.	Preparation of draft agreement of forwarding contracted cases for forwarding	
2. M/s. Groom Cleaners Bombay Ltd.	Dispute regarding respective liabilities of the Food Controller and the Govt. under the Factories Act.	
3. Shri. Parvati, mother of the deceased Harayan Babu, a Govt. Servant.	Claim by Shri. Parvati for the pay, allowance etc. due to the deceased question whether the mother is the legal heir in performance to the deceased's wife under Hindu Law.	
4. Pathamwalle Bldg. requisitioned by Govt. and occupied by Govt. Staff.	Whether the tenants can instal electric connections in the premises at their own cost and, if so, whether the landlord can insist on disconnection in case of derequisition of the premises.	

E.K.N.28/5/

4C.

P.T.O.-

CASES FOR LEGAL ADVICE (NOTINGS) (CONTINUED)

NAMES OF PARTIES ETC.	SUBJECT	REMARKS
5. Kall Preme utilitar employed in Govt. Factory.	Accident by a private motor truck to the stitcher while on duty - Whether compen- sation payable to the stitcher by Govt. and whether Govt can recover the same from the truck owner under the Workmen's Compens- ation Act.	Dispute in the amount of rent payable by the Govt. in respect of the New Ferei Godowns rented by Govt.
6. Nadia Charity Trust.		

STATEMENT I. COURT CASES.

NAMES OF PARTIES.

SUBJECT.

REMARKS.

1. Adamji Trading Co. Vs. State.

Suit for Rs. 1,23,368-14-0 being between the alleged market price claimed by the party and the difference the price paid by Govt. for the new jute gunny bags purchased by Govt.

Active case - pending in the H.C.

M/S P. T.

2. Ankdesaria & Co. Vs. State.

Suit for Rs. 71640-10-6- against Govt. for clearing charges and counter-claims by Govt. for Rs. 2,04,717 against the Co. for losses incurred by Govt. in respect of food grains.

Active case in the H.C. documents produced in inspection of documents to be taken. M/s. Little & Co., have asked the Po. to depute Shri B.M. Meher to their office to examine the documents referred last date is 11-4-52.

3. M/s. Viswanath Gadishprasad Vs. of Shri Ganganagar State of Bombay and Rajasthan.

Suit for Rs. 11426-9-0 for recovery of incidental charges over and above the price paid by this Govt to Bikaner State in respect of Gram & Grain Dal supplied to this Govt. through the Bikaner State.

Active Case pending in the court of Shri Ganganagar Report in L.O.R. to be prepared.

* This is the test case against Govt. Notices for similar claims have been saved by several merchants of Shri Ganganagar on this Govt. and the suits are likely to be filed in all those cases.

E.K.N.23/5/

40.

P.T.O.

COURT CASES (CONTINUED)

----- NAMES OF PARTIES. -----	SUBJECT.	REMARKS
4. M/s. Cusempboy Laljee Lalji Shipping Ltd.,	Govt. claim for Rs. 72125/- on account of loss or damages to Govt. foodgrains transported by the Co by country crafts from Bombay to various district ports.	Suit is to be filed in the H.C. Report under the Law Officers Rules to be put up.
5. M/s. Vessabharati Insurance Co.,	Recovery of losses and damages to Govt. foodgrains in course of transport by country crafts.	Govt. solicitors have advised filing of a suit against the Co. Case has been referred to the Advocate General through L.D. for advice as to filing the suit.
6. Appeal in the H.C.-State Vs. Abdulbhal Fideali and others.	Fixation of standard rent of Banya Mahal Godown.	Active case Appeal pending in the H.C. active case pending in the H.C.
7. State Vs. H/s. Hirji Govindji & Co.	Application by Govt. for fixation of standard rent of Godown.	Active case pending in the small Causes Court.
8. M/s. Abraham & Co.,	Party's claim for refund of security deposit of Rs. 10,000 and Govt's counterclaim of Rs. 15,000 for adjustment against losses incurred by Govt.	Suit is likely to be filed in the H.C..

F.C.'s Office.

Sub:- Court Asstt.
Continuance of the post of -

p.17 ante.

The post of the Court Asstt. which has been continued under Govt.Memo, L.D. No.4508 dt.25th March '52 expires on 31st August '52.

2. The post of the Court Asstt. is borne on the establishment of the LD. A list showing the cases pending with the Court Asstt. and those which are likely to be entrusted to him for nothing and further disposal is put up at pages 19-21 ante. It will be seen therefrom that, apart from the cases to be given to him for noting, there are the following cases which are pending in the High Court or other Courts:-

- (1) Admaji Trading Co.
- (2) M/s.P.T.Anklesaria,
- (3) Hirji Govindji,
- (4) about 56 suits filed by merchants outside the State of Bombay in Rajasthan Courts against the State of Bombay.

3. The first case has not come for hearing, but may come for hearing any time. The question is of inspection of documents of the plaintiffs to be taken by this department. The second case, viz. of Anklesaria, is being referred to an Arbitrator. The Arbitrator has been selected, but the 'terms of reference' are under drafting and in the finalization stage. Besides this, the question of taking search of the plaintiffs' records with reference to the case pending in the High Court (which has not as yet been dismissed pending finalization of the arbitration proceedings) is also pending.

As regards the 56 cases filed by Rajasthan merchants, they are to be heard in 3 different Courts and 2 or 3 (test) cases are also in progress, but it is not known whether they have come to the stage of final hearing as yet. In the remaining cases, the routine legal procedure of accepting notices, giving replies, etc. has to be followed whenever the question rises.....

arises and also to be in readiness for supplying any information which our Attorneys and Rajasthan may need for the actual hearing of the case in the three courts. Further, as the decisions will be in 3 different Courts, and as the decisions will not be from the High Court, the decisions given by one Court may not agree with the decision given by the other court,. Each Court will proceed with its own decision in the matter and unless an Appeal is made, (if there are conflicting decisions) the decisions given will not be binding on the remaining court.

To sum up, the court cases are a sufficient justification for moving Govt. to continue the post of Court Asstt. for a further period of 6 months.

(In fact, when I suggested last time that we should move Govt. for the continuance of the post for 6 months, I had anticipated that this period would not be sufficient, and I was inclined to recommend one year, but in view of the transfer of the control to the LD, only 6 months were recommended in the first instance). Even this time, I think that the period of 6 months asked for would not be sufficient. However, as on the last occasion, the post may be continued upto the end of Fe.'53, that is, the end of the Financial year in the first instance.

27-8-52.

BQ/-

Dy. Secy. C.S.D. (E)

Sec. & Secy to Govt. C.S.D.

Secy. L.D.

P.D.

Legal Department.

p.17 ante.

The P.D. had agreed to the continuance of the post of the Court Assistant on the establishment of the L.D. for a period of six months from 1st March 1952 and the orders in respect thereof were issued by this Department under L.D. memo No.G.4508 dated 25th March 1952, a copy of which was endorsed to P.D. The sanction for this post will expire on 31st August 1952.

p. 23, ante.

Although the post is borne on L.D. establishment the major part of the duties of the court Assistant are connected with the suits filed by or against Government in respect of dealing in P.C.'s office. The P.C. has now pointed out that most of the suits and other court work for which the post was extended on 1-3-52 still continue and there is still lot of work pending in connection with the suits for which the post is required to be continued for another six months.

P.D. may, therefore, be requested to grant sanction to the continuance of the post till end of February 1953 i.e. co-terminus with the whole of C.S.D. establishment.

This may please be treated as immediate.

S.R.P. Id. 29/8.

S.A.S. Id. E.P.B. 29/8.

Secy. Sd/- P.M.Lad. 29/8.

E.K.N.23/5/

U.R. to P.D. No.G.419 dated 29-8-52.

F.D.
Pt. VIII.

Submitted in the reference to the office note dated 13/3/1952.

2. The L.D. proposal may be agreed to subject to the following remark:-

3. Please see para 4 of the office note dated 23/9/1950.

In view of the creation of a post of Court asstt. in the L.D. the C.S.D. was requested to consider the suggestion to reduce one corresponding post from the P.O's establishment, doing the same work. That Department, however, has not so far considered that point, despite our ^{two} reminders-Vide P.D.notes, dated 17/9/1951 dt. 14/3/1952. It is not understood, why the C.S.D. is ignoring the issue. The L.D. may therefore be requested, to show these papers, to the C.S.D., after issue of the orders, regarding continuance of the post, of the Latter Department, we requested to consider the point raised in para 4 of this office note dated 23/9/1950, without further delay.

4. It is presumed, then, the cost on amount of the continuance of the post will be met from the current years sanctioned grant. The L.D. may be requested to bring out this part, in the orders to be issued with particular reference to minor-head sub-head etc.

Bd/-

3/9/52

Secretary C.S.D. may kindly see with regard
para 3 of the preceding F.D. ^{O.N.} ~~On~~ before the papers
are returned to L.D.

Sd/- 5/9/52

Secy. C.S.D. Id. 8/9/52

L.D.

Please issue orders and then refer the papers
to C.S.D.

Sd/-

C.Br.

Submitted.

Necessary memo to A.G. Bombay is put up at
P. 29 post for signature.

Id. M.A.S. 11/9

S.S. Id. D.R.P. 11/9

A.S.(G) Id. S.R.P. 11/9

A.S.(Adm) Id. E.P.B. 12/9

U.R. to C.S.D. No. 3.452 dated 16-8-52.

C.S.D.

In para 4 of its ^{note} dated 26-9-1950 the F.D. had raised a question that since a post of Court Assistant was being created in L.D. it should be possible for the F.C. to reduce one corresponding post from his establishment doing the same work. The point was to be considered after the issue of the orders but it does not seem to have been yet replied to. For the satisfaction of F.D. it may be written that there was no corresponding post of Court Assistant created under the F.C. at any time, neither there were simultaneously two posts one under the F.C. and one under the L.D. for doing the Court work. There is only one Court Assistant doing the Court work of the F.C.'s office but that post is sanctioned under the L.D. No post, therefore, can be abolished under the F.C. This was a simple issue and could have been got solved by ^{the} F.D. by making a direct question instead of making an insinuation that the C.S.D. is ignoring or evading the issue. F.D. suspects 'rats' everywhere like the doubting Hamlet. I once again request F.D. to refrain from making insinuations and caustic remarks for smooth working in both the ~~Ex~~ Departments.

Ed/-

20/9/52

F.D.

E.K.N.23/5/

4C.

No.14928-C
Legal Department,
Bombay Castle (Bombay No.1), 12th Sept.1952.

Subject:- Court Assistant - Continuance of
the post of -

MEMORANDUM.

The undersigned presents compliments to the Accountant General, Bombay and with reference Govt. Memorandum, Legal Department, No.G-4508, dated the 25th March 1952 on the above subject is directed to convey the sanction of Government to the continuance of the post of the Court Assistant on the establishment of this Department in the scale of Rs.210-15-300 with a special pay of Rs.50/- p.m. with effect from 1st September 1952 to 28th February 1953.

2. The charge should be met from the provision made in the current year's budget under "25-General Administration-C-Secretariat and Head Quarters Establishment-K.Civil Secretariat-K-7 Legal Department".

By order of the Governor of Bombay.

Id/-

Assistant Secretary to Government,
Legal Department.

To
The Accountant General,
Bombay. (through the Finance Department).

Copy to:-

The Finance Department,

The Civil Supplies Department,

The Director of Civil Supplies (Accounts).

The Food Controller, Bombay.

B.K.W.23/5/

Finance Department.Br.VIII.

Submitted w.v.f. the office note dated 4/9/52
D.S.(S) is note thereon.

2. Please see D.S.C.S.D's note dated 20/9/52 since the C.S.D. was silent on the point, for nearly two years, inspite of 2 reminders, F.D. was anxious to know, as to why that Dept. was ignoring the issue F.D. never meant any offence while making such an inquiry.

Ed/-

29/9/52

Ignoring refusing to take notice of the (Vide P.248 Little ^{Oxford} ~~oxford~~ Dictionary of Concise English). The issue was first raised by F.D. on 25.9.50 (p.11 C.S.D. File No.2659/51), reiterated on 17.9.51 (p.88 of the same file), again on 14.3.52 (p.108 of the same file). In spite of this it is not denied that C.S.D. has not replied to the issue. I fail to see how any insinuations can be said to have been learn a caustic remarks offered. The wag 'evadw' end in the on was specifically substituted by an objection wag ignored to avoid insinuations. No insinuations were intended nor are they apparent on a reasonable interpretation. Nevertheless if DS CSD still maintains that ignoring is too strong, he may consider it substituted by 'failing to take notice of'. I trust DS CSD is now satisfied. I would have explained to him personally understand he is not in office today.

Ed/-

EKN.23/5/

U.O.R. to C.S.D. dated 7/10/52.

74.

G.S.D.

I am thankful to the F.D. for the explanation they have given. The main point was that the issue raised by F.D. was without any basis. The F.D. founed a wrong idea and began to beat about it for nothing and yet had the audacity of attaching another Department. This was not the only case in which F.D. were making remarks on file unjustified, hence all this innecessary noting which could have been avoided.

The pp. may now be returned to the L.D.

Ed/-
9/10/52

L.D.

~~22918.~~

Legal Department.

Submitted for information.

No action is necessary ^{file} ~~take~~ in a separate file
'Est.II -Court Asstt/50-52.

Ed/- S.V.D.
16/10.

Supdt.

SAS.